

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANGELA MILLER,

Plaintiff,

v.

**RUDY'S FARM COMPANY OF
TENNESSEE, LLC,**

Defendant.

NO. 3:10-CV-0385

JUDGE HAYNES

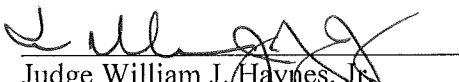
MAGISTRATE JUDGE BRYANT

ORDER

Plaintiff filed this action pursuant to Title III of the Americans with Disabilities Act ("ADA") seeking injunctive relief. During the pendency of this action, Plaintiff passed away. Defendant Rudy's Farm Company of Tennessee, LLC, has filed an unopposed motion to dismiss this action pursuant to Rule 12(b)(1). After a review of the record, Defendant's Unopposed Motion, and the accompanying Memorandum, the Court finds that, in light of Plaintiff's passing, it lacks jurisdiction over this claim. Any attempt to amend the pleadings to allow substitution for the Plaintiff would be futile, as Plaintiff's claims for relief were specific to her alone and requested only injunctive, and not monetary, relief. As a result, this Court has been divested of its subject matter jurisdiction over Plaintiff's claims.

Thus, this case should be DISMISSED with prejudice, with the parties to bear their own costs and fees.

IT IS SO ORDERED.


Judge William J. Haynes, Jr.
3-31-11